



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Racz et al.

Serial No.: 10/611,667

Filed: July 1, 2003

For: APPARATUS AND METHODS FOR
SENSING AND COOLING DURING
APPLICATION OF THERMAL ENERGY
FOR TREATING DEGENERATIVE
SPINAL DISCS

Confirmation No.: 5389

Examiner: R. Rollins

Group Art Unit: 3739

Attorney Docket No.: 2102-5841US

NOTICE OF EXPRESS MAILING

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Person making Deposit: Steve Wong

RESPONSE TO SPECIES ELECTION

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
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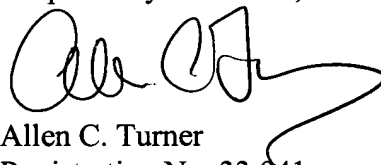
Sir:

Responsive to the Office communication mailed June 28, 2005, entering two separate species elections, applicants first provisionally elect, with traverse, Species I in FIG. 1. Applicants then provisionally elect, again with traverse, Species I in FIG. 2. To the extent the species elections are understood, claims 1-10 and 17-40 are believed to be readable on the provisionally elected species.

The reason for the traversal is that Rule 141 specifically allows for a reasonable number of patentably distinct species to be claimed in a single application, and seven would appear reasonable under the circumstances (*e.g.*, where various kinds of needles are used for the procedures).

In any event, the application should now be in condition for substantive examination.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Allen C. Turner', with a long, sweeping horizontal stroke extending to the right.

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Date: August 29, 2005